

George B. Hofmann, IV (10005)

Kathryn Tunacik (13363)

Cohne Kinghorn, P.C.

111 E Broadway 11th Fl

Salt Lake City, Ut 84111

Tel: (801) 363-4300

Fax: (801) 363-4378

Ghofmann@Cohnekinghorn.Com

Ktunacik@Ck.Law

Lucy Jewett Wheatley (*Pro Hac Vice*)

McGuireWoods LLP

800 East Canal Street

Richmond, VA 23219

Tel: (804) 775-4320

Fax: (804) 698-2130

Email: lwheatley@mcguirewoods.com

Kyle S. Smith (*Pro Hac Vice*)

McGuireWoods LLP

501 Fayetteville St., Ste. 500

Raleigh, NC 27601

Tel: 919-835-5966

Fax: 919-755-6607

Email: ksmith@mcguirewoods.com

Jessica S. Maupin (*Pro Hac Vice*)

McGuireWoods LLP

2601 Olive Street, Suite 2100

Dallas, TX 75201

Tel: (214) 932.6400

Fax: (214) 932.6499

Email: jmaupin@mcguirewoods.com

Attorneys for Defendants

**MavorCo Holdings, LLC; MavorCo IP,
LLC; and MavorCo Operations, LLC**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC INC., a Utah Corporation

Plaintiff,

v.

**BLENDJET INC., a Delaware corporation,
MAVORCO HOLDINGS, LLC, a
Delaware limited liability company,
MAVORCO IP, LLC, a Delaware limited
liability company, and MAVORCO
OPERATIONS, LLC, Delaware limited
liability company,**

Defendants.

**MAVORCO'S REPLY IN SUPPORT OF
ITS MOTION FOR AN EXTENSION**

Civil No. 2:25-cv-00096-RJS-DBP

Judge Robert J. Shelby

Magistrate Judge Dustin B. Pead

Plaintiff Blendtec's Opposition to MavorCo's Motion for an Extension does not support denial of MavorCo's Motion.

First, Blendtec claims to oppose a two-week extension of the deadline to respond to the preliminary injunction due to "an elevated risk of ongoing irreparable harm." Opposition to Extension, Dkt. 42 at 2. Blendtec's basis for this elevated risk is MavorCo's alleged "continuation of the BlendJet business." *Id.* In other words, Blendtec's concern is that MavorCo is continuing to do what BlendJet has done for the past six and a half years. *See* Injunction Motion, Dkt. 25 at 4 (claiming that "in or around early 2018 . . . BlendJet began using the BLENDJET mark . . . in connection with selling portable blenders."). That MavorCo is maintaining the status quo is a basis for denying the preliminary injunction altogether, and it is certainly *not* a reason to deny MavorCo adequate time to respond to Blendtec's Motion.

Second, the alleged “social media blitz” referenced in Blendtec’s Opposition is also not a basis to deny MavorCo the requested extension. This purported “blitz” consisted of a February 10, 2025 Facebook post featuring multiple pictures of a single digital billboard. *See* Dkt. 42 at 2 (citing Dkt. 25 at pp. 5-6 and 23-24 (citing Dkt. 26 ¶ 33)). Blendtec’s motion is silent on the current status of the billboard, and for good reason—the billboard was up for exactly three days from February 7-10, 2025 as part of a free trial. A one-time ad in February does not create an emergency in April.¹ Tellingly, Blendtec could have easily determined that this “emergency” was long over, as multiple websites publish livestreams of Times Square over time as shown below:

February 10 image from Blendtec Motion (Dkt. 26 ¶ 33)	Images of same billboard on March 16, 2025 and April 10, 2025 (available at https://www.earthcam.com/usa/newyork/timessquare/?cam=tspano)
	

¹ Nor does the alleged customer confusion cited by Blendtec (*see* Dkt. 42 at 2 n.1) justify denying a two-week extension. Not a single example cited by Blendtec is from 2025, and Blendtec claims these incidents have been ongoing since 2020. Dkt. 26 at 12.

Third, Blendtec's suggestion that MavorCo should have started preparing its opposition before Blendtec had even filed its motion is unrealistic to say the least. Given the long coexistence of Blendtec and BlendJet in the marketplace, counsel for MavorCo was mystified as to what Blendtec was going to point to as support for an emergency motion. Nor does MavorCo's counsel have access to the document production from the 2021 litigation. Tellingly, Blendtec's counsel is counsel of record in the 2021 litigation, and thus has unfettered access to the documents in that case, and yet still asked for a one-week extension of their own reply deadline. Dkt. 42 at 3.

In conclusion, Blendtec's intransigence on what should be a routine professional courtesy is pure gamesmanship. Blendtec does not want MavorCo to have the time to adequately respond to their preliminary injunction motion, because a fulsome response will expose both the weakness of the motion, and the holes in Blendtec's case.

For the foregoing reasons, and those cited in its opening brief, MavorCo respectfully requests that its Motion for an Extension be granted.

Dated: April 10, 2025

Respectfully submitted,

/s/ Lucy Jewett Wheatley
George B. Hofmann, IV (10005)
Kathryn Tunacik (13363)
COHNE KINGHORN, P.C.
111 E Broadway 11th Fl
Salt Lake City, UT 84111
Tel: (801) 363-4300
Fax: (801) 363-4378
Ghofmann@cohnekinghorn.Com
Ktunacik@ck.Law

Lucy Jewett Wheatley (*Pro Hac Vice*)
McGuireWoods LLP
800 East Canal Street
Richmond, VA 23219
Tel: (804) 775-4320

Fax: (804) 698-2130
Email: lwheatley@mcguirewoods.com

Kyle S. Smith (*Pro Hac Vice*)
MC GUIREWOODS LLP
501 Fayetteville St., Ste. 500
Raleigh, NC 27601
Tel: 919-835-5966
Fax: 919-755-6607
Email: ksmith@mcguirewoods.com

Jessica S. Maupin (*Pro Hac Vice*)
MC GUIREWOODS LLP
2601 Olive Street, Suite 2100
Dallas, TX 75201
Tel: (214) 932.6400
Fax: (214) 932.6499
Email: jmaupin@mcguirewoods.com

Attorneys for Defendants
MavorCo Holdings, LLC; MavorCo IP, LLC; and
MavorCo Operations, LLC

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an electronic notification to counsel of record for all parties, including the following:

Brett Foster (#6089)
Mark Miller (#9563)
Tamara Kapaloski (#13471)
DORSEY & WHITNEY LLP
111 S. Main Street, Suite 2100
Salt Lake City, UT 84111
Telephone: (801) 933-7360
Facsimile: (801) 933-7373
foster.brett@dorsey.com
miller.mark@dorsey.com
kapaloski.tammy@dorsey.com

Attorneys for Plaintiff Blendtec Inc.

/s/ Lucy Jewett Wheatley
Lucy Jewett Wheatley